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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/867,631	05/31/2001	Timothy Mark Morris-Yates	169.2063	7181

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NEW YORK, NY 10112

EXAMINER
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VU, KIEU D

ART UNIT	PAPER NUMBER
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2173

DATE MAILED: 06/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/867,631

Applicant(s)

MORRIS-YATES, TIMOTHY MARK

Examiner

Kieu D. Vu

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 April 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 89-108 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 89-108 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This Office Action is in response to the amendment filed on 04/07/05.
2. Claims 89-108 are pending.

#### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 93 and 103 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 93, it is not clear that "said displaying step" refers to "displaying a window" or 'displaying a representation of the object in the window' in claim 89.

In this rejection, it is assumed that "said displaying step" refers to "displaying a window" in claim 89.

Regarding claim 103, it is not clear that "said displaying step" refers to "displaying a window" or 'displaying a representation of the object in the window' in claim 98.

In this rejection, it is assumed that "said displaying step" refers to "displaying a window" in claim 98.

#### ***Claim Objections***

5. Claims 98-107 are objected to because of the following informalities:

Line 12 of claim 98 has a typographical error. The word "exemplifyi8ng" should be replaced with "exemplifying". Line 13 of claim 98 has a typographical error. The term "int he" should be replaced with "in the".

Claims 99-107 depend on claim 98, therefore claim 99-107 are objected on the same rationale as applied to claim 98.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 89-92, 98-102, and 108 are rejected under 35 U.S.C. 102(e) as being anticipated by Bogdan (USP 5977966).

Regarding claim 89, Bogdan teaches a method of providing active user feedback in a graphic user interface including an adjustable soft control able to change an attribute of an object over a continuous range of attribute values (see "Element Size", Fig. 5, lines col. 5, lines 16-18), said method comprising steps of: displaying a window while the soft control is being designated (see Preview window in Fig. 5; displaying a representation of the object in the window (Menu Height) ; and showing in the window a training preview which varies the attribute of the displayed representation of the object , said preview exemplifying the nature of change in the attribute that can be expected to arise from adjustment of the soft control (col. 4, lines 48-64).

Regarding claims 98 and 108, Bogdan teaches an apparatus and a computer readable medium storing computer program for providing active user feedback in a graphic user interface including an adjustable soft control able to change an attribute of an object over a continuous range of attribute values (see "Element Size", Fig. 5, lines col. 5, lines 16-18), said method comprising steps of code for detecting positioning of a pointing device over the soft control, the positioning designing the soft control (inherent), displaying a window while the soft control is being designated (see Preview window in Fig. 5; displaying a representation of the object in the window (Menu Height) ; and showing in the window a training preview which varies the attribute of the displayed representation of the object , said preview exemplifying the nature of change in the attribute that can be expected to arise from adjustment of the soft control (col. 4, lines 48-64).

Regarding claim 99, Bodgan teaches the change of the representation relates to an attribute of the object (element size).

Regarding claim 90, Bogdan teaches varying step varies the attribute over a part of the range of attribute values (col. 5, lines 11-17).

Regarding claims 91 and 100, Bogdan teaches the preview window is superimposed on at least one of a working display area and a control display area of the graphic user interface (see Preview window 68 in Fig. 5).

Regarding claims 92 and 101, Bogdan teaches the representation of the object is a symbolic object whose shape is adapted to reflect the change in the value of the attribute (element size).

Regarding claim 102, Bogdan teaches the representation of the object is a literal representation of the object whose shape is adapted to reflect the change in the value of the attribute (see literal representation in Fig. 5).

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 93-97 and 103-107 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bogdan (USP 5977966) and Gobert et al ("Gobert", USP 6542163).

Regarding claims 93 and 103, Bogdan does not teach said displaying step is capable of being one of enabled and inhibited. However, such feature is known in the art as taught by Gobert. Gobert teaches providing relevant tips for a user in an unobtrusive manner which comprise providing pop-up window (tip balloon 80) containing help information (see Fig. 80) (col 8, lines 41-45). Gobert further teaches pop-up window (balloon 80) is capable of being enabled and inhibited (checkbox 90 enables or inhibits displaying balloon 80) (Fig. 2B, col 9, lines 37-43). It would have been obvious to one of ordinary skill in the art, having the teaching of Bogdan and Gobert before him at the time the invention was made, to modify the interface method taught by Bogdan to include enabling or inhibiting displaying the superimposing window taught by Gobert with the motivation being to enable user to control the display the preview window.

Regarding claims 94 and 104, Bogdan teaches displaying a representation of the adjustable soft control (arrow 84 or 86 to control element size in Fig. 5), the adjustment of the soft control corresponding to the variations of the attribute of the displayed representation of the object shown in the window (col. 4, lines 48-64). Bogdan does not teach showing the adjustment in ghost form. However, such feature is known in the art as taught by Gobert. Gobert teaches providing relevant tips for a user in an unobtrusive manner which comprise providing pop-up window (tip balloon 80) containing help information (see Fig. 80) (col 8, lines 41-45). Gobert further teaches displaying tips in a ghost manner so that the display is not obstructed (col 6, lines 26-29). It would have been obvious to one of ordinary skill in the art, having the teaching of Bogdan and Gobert before him at the time the invention was made, to modify the interface method taught by Bogdan to include displaying tips in a ghost manner taught by Gobert so that the display is not obstructed (col 6, lines 26-29).

Regarding claims 95 and 105, Bogdan does not teach the preview window can be customized by defining user preferences. However, such feature is known in the art as taught by Gobert. Gobert teaches providing relevant tips for a user in an unobtrusive manner which comprise providing pop-up window (tip balloon 80) containing help information (see Fig. 80) (col 8, lines 41-45). Gobert further teaches the pop-up window can be customized by defining user preferences (relevant tips can be extensively customized) (col 6, lines 18-26). It would have been obvious to one of ordinary skill in the art, having the teaching of Bogdan and Gobert before him at the time the invention was made, to modify the interface method taught by Bogdan to include customizations

Art Unit: 2173

taught by Gobert with the motivation being to enable user to control the display the preview window.

Regarding claims 96 and 106, Gobert teaches that customization comprises setting a nature of change (see 86A of balloon 80 in Fig. 2B) (see col 6, lines 18-26).

Regarding claims 97 and 107, Bogdan teaches the coupling to another soft control to the soft control, wherein the change implementable by the soft control is dependent upon a current setting of the other soft control (Change in Element size is dependent upon current setting of Window Element (Menu Height)).

10. Applicant's arguments filed 03/09/05 have been fully considered.

Applicant's arguments against Warrin teachings are now moot since Warrin reference is no longer used in this rejection.

Applicant's argument "nothing found or pointed out in Gobert.....showing in the pop-up window .....arise from adjustment of the soft control, as recited in Claim 89" is now moot since claim 89 is now rejected as being anticipated by Bogdan as presented above.

11. The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. § 1.111(c) to consider these references fully when responding to this action. The documents cited therein teach help methods and systems using animation technique which relates to the claimed invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kieu D. Vu. The examiner can normally be reached on Mon - Thu from 7:00AM to 3:00PM at 571-272-4057.



If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca, can be reached at 571-272-4048.

The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

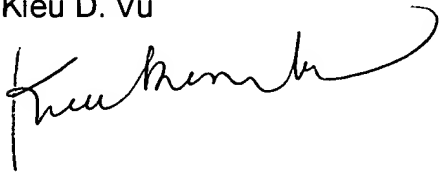
703-872-9306

and / or:

571-273-4057 (use this FAX #, only after approval by Examiner, for "INFORMAL" or "DRAFT" communication. Examiners may request that a formal paper / amendment be faxed directly to them on occasions).

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Kieu D. Vu

A handwritten signature in black ink, appearing to read 'Kieu D. Vu', with a stylized, flowing script.